

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen Gyor AICP, Case Manager
Joel Lawson, Associate Director Development Review

DATE: June 18, 2013

SUBJECT: BZA Case 18578, 1019 49th Place NE, variance relief to construct a single family detached dwelling on a vacant lot

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following:

- § 401 Lot Area (4,000 sf. min. required, 2,228 sf. proposed);
- § 401 Lot Width (40 feet min. required, 30 feet proposed); and
- § 405 Side Yard (8 feet min. required, 5 feet proposed);

II. LOCATION AND SITE DESCRIPTION

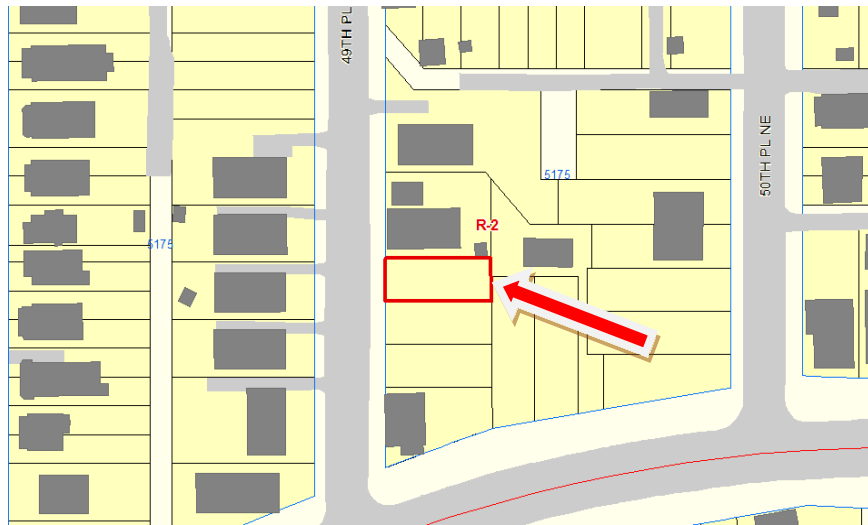
Address	1019 49 th Place NE
Legal Description	Square 5175, Lot 4
Ward	7
Lot Characteristics	The lot is rectangular and is approximately 74 ft. deep and 30 ft. wide along the 49th Place NE frontage. The subject lot existed prior to 1958.
Zoning	R2 – detached and semi detached single family dwellings.
Existing Development	The property is currently vacant.
Historic District	<i>Not applicable</i>
Adjacent Properties	Adjacent properties include single family homes.
Surrounding Neighborhood Character	The surrounding area is largely comprised of detached and semi-detached single family homes.

III. APPLICATION IN BRIEF

The Applicant proposes to build a detached three-story single family house on a vacant lot. The lot is located in the R-2 district, which permits matter-of-right residential development of single-family detached structures. The project would include one garage parking space. The application includes drawings, elevations and plans showing the proposed single family detached home. The existing lot does not meet minimum lot area and lot width requirements. In addition, the proposal would include a side yard which would not meet the requirements of the R-2 district.

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

R-2 Zone	Regulation	Existing	Proposed	Relief
Height § 400	40 ft. max.	NA.	40 ft.	None required
Lot Width § 401	40 ft. min.	30 ft.	30 ft.	Relief required
Lot Area § 401	4,000 sf. min.	2,228 sf.	2,228 sf.	Relief required
Floor Area Ratio § 402	NA	NA	NA	None required
Lot Occupancy § 403	40% max.	0%	37.84%	None required
Rear Yard § 404	20 ft. min.	NA	26.75 ft.	None required
Side Yard § 405	8 ft. min.	NA.	5 ft.	Relief required
Court § 406	NA	NA	NA	None required



Subject Property



Subject Property

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 401 (Lot Width), § 401 (Lot Area), and § 405 (Side Yard)

i. Exceptional Situation Resulting in a Practical Difficulty

The subject lot was created prior to the area requirements of the existing regulations and its area and width are in proportion to the other lots in this section of the square. Because the subject property is not adjacent to other vacant lots under common ownership, there is no opportunity for the Applicant to create a conforming lot. The Applicant stated that he has made numerous efforts to contact the owner of the adjacent vacant property regarding a potential purchase of the neighbor's property; however, the Applicant has been unable to reach the neighbor. The Applicant provided a certified letter detailing his effort to contact the owner of the neighboring vacant property.

ii. No Substantial Detriment to the Public Good

OP does not anticipate that the proposal would cause a substantial detriment to the public good. The relief would permit the development of a single-family detached structure, which is permitted by right in the R-2 zone. The Proposal would provide infill development consistent with the surrounding neighborhood and would close a long vacant gap in the street pattern while improving the streetscape of 49th Place NE. In addition, providing the required 8-foot wide side yard would result in a 14-foot wide residential structure not typical of the neighborhood's residential character.

iii. No Substantial Harm to the Zoning Regulations

OP is typically highly supportive of proposals to develop vacant infill lots. The relief could be granted without impairing the intent, purpose, and integrity of the Zoning Regulations. While the regulations require that the lots meet a minimum size threshold, permitting construction of the detached dwelling would not allow an intensity of development at odds with the intent of the zoning regulations.

The side yard provision was intended to protect the privacy, light and air of the owner of the adjacent property. In this case, the abutting property to the north of the proposed residences appears to include a side yard adjacent to the subject property approximately 6 feet in width, thereby providing an effective separation of up to eleven feet between the proposed detached dwelling and the adjacent neighbors. The requested side yard relief could be granted without substantial detriment to the public good and integrity to the Regulations and Map.

VI. COMMUNITY COMMENTS

As of this writing, OP has not received comments from the ANC or the neighbors.